



Connecticut Chapter

House Bill 5368, An Act Concerning Homemaker Services and Homemaker Companion Agencies

Labor and Public Employees Committee

March 8, 2016

The Home Care Association of America was founded on the principle that quality private duty home care has one model of care: to employ, train, monitor and supervise caregivers; create a plan of care for the client; and work toward a safe and secure environment for the person at home. Members of the Home Care Association of America, Connecticut Chapter (HCAOA-CT or the Chapter) employ several thousand caregivers providing quality care to thousands of elderly consumers across the state.

The Home Care Association of America, Connecticut Chapter supports House Bill 5368 and respectfully requests that the committee approve the bill.

House Bill 5368 would designate homemaker-companion agencies, registries and homemaker-home health agencies as the employers of an individual providing homemaker-companion services to consumers for the purposes of unemployment compensation, wages and workers' compensation. The bill would address the persistent problem of worker misclassification in the home care industry.

Caregivers have been consistently found by various states to be employees, not independent contractors. Home care agencies that misclassify workers by not paying unemployment or workers' compensation insurance mistreat them and put consumers at risk of liability for caregiver injuries, payment of unemployment insurance and employment-based taxes. Senior citizens do not always understand the implications of the misclassification of workers.

Misclassification in the home care industry means caregivers are not just denied minimum wage and overtime, but other safety net protections, like workers' compensation and unemployment insurance. The bill would protect workers, consumers and the elderly. It would generate revenue for the state by ensuring contributions are made to the state's unemployment compensation trust fund. The bill would be consistent with state and federal law and policy concerning worker misclassification, other state-administered programs for the elderly and legal precedent.

House Bill 5368 should also specify that employees of homemaker-companion agencies, homemaker home health aide agencies and registries cannot be treated as independent contractors; may not advise or cause an employee to execute any document stating that the employee is (i) an independent contractor or (ii) not eligible for or waives entitlement

to unemployment compensation, wages or workers' compensation; and cannot register as an employment agency.

Please contact David L. Denvir, President of the Home Care Association of America, Connecticut Chapter, at (800) 348-4663, ext. 7799, for any questions or additional information.